

RESTRICTION AS TO INVENTIONS

The Examiner has issued a restriction requirement stating that the application claims four separate inventions. Specifically, the Examiner identifies the four inventions as being:

- a. Group I, claims 1-26, drawn to an antibody that binds to CCR5, classified in class 530, subclass 387.1.
- b. Group II, claims 27-33, drawn to a method of preventing or treating HIV infection through the administration of an antibody that binds to CCR%, classified in class 424, subclass 130.1.
- c. Group III, claim 34, drawn to an antiviral screening method employing antibodies that bind to CCR5, classified in class 435, subclass 7.1.
- d. Group IV, claim 35, drawn to an HIV diagnostic kit comprising an antibody that binds to CCR5, classified in class 422, subclass 61.

Pursuant to 37 C.F.R. §1.142, Applicants elect Group I (Claims 1-26) without traverse and cancel the claims of Groups II-IV (claims 27-35) without prejudice.

The Examiner has also required Applicants to elect a specific scFv where required by the claims. Applicants hereby elect without traverse clone 15.150.11 encoding an scFv having SEQ ID NO: 27 and binds to loop 6 of human CCR5 (claim 13); and clone 15.186.35 encoding an scFv having SEQ ID NO: 25 and binds to the N-terminus of human CCR5 (claim 26).

Applicants reserve the right pursuant to 37 C.F.R. §1.141 to pursue claims to the non-elected species in this application in the event that a generic claim is found to be allowable. Applicants also reserve the right pursuant to 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected species or subgenus during the pendency of the present application.


CONCLUSION

Applicants earnestly believe that the application is in condition for allowance and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any additional fees which may required, including petition fees, or credit any overpayment to Deposit Account No. 23-2415 (Docket No. 25636-718).

WILSON SONSINI GOODRICH & ROSATI

Respectfully submitted,

Date: Feb. 2, 2004 By: 
Shirley Chen, Ph.D.
Registration No. 44,608

650 Page Mill Road
Palo Alto, CA 94304-1505
(650) 565-3856
Client N. 021971